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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,192	12/15/2003	Kenneth A. Williams	10587.0044-01000	2149
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER DUFFY, DAVID W	
			ART UNIT	PAPER NUMBER
			3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,192

Applicant(s)

WILLIAMS ET AL.

Examiner

DAVID DUFFY

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-40, 43-48 and 50-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-40, 43-48 and 50-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This office action is in response to the amendment filed 09/28/2009 in which applicant amends claims 43, 50 and 54 and cancels claims 42 and 49. Claims 12-40, 43-48 and 50-54 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/26/2009 has been entered.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 12-17, 20-30, and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over "How to get the most out of COMPUSERVE, 4th edition, 1989" (hereafter Bowen) in view of Fontecilla, Rodrigo net.chess posting.
5. In regard to claims 12-14, 17, 22-23, Bowen discloses a computer implemented method of creating a user profile for interacting on a computer network, the method comprising enabling a first user to identify profile information with respect to each of one or more items (pgs 94-95, 207-209, and 381: "create and read personal bios"); and

enabling the first user to make the profile information accessible to a first remote computer system, a central computer system, and at least one other remote computer system (pg 207-209, making a profile while online for other members to view), wherein the first computer system, the central computer system, and at least one other remote computer system are elements of a computer network used for multi-user communications (CompuServe is an online multi-user environment). Bowen further discloses that users may enter any information they wish into their list of interests (pg. 208) and further describes that the system allows for multiplayer games with an active player base that engages in team and competitive play (pg 377-390).

6. Bowen does not explicitly disclose that the interface enables user determination of the skill of a first user for a first identified video game relative to a second video game or players identifying skill and interest levels in said games.

7. In related prior art, Fontecilla shows an online posting where a player indicates provides normalized skill level indication (USCF rating which would range from 0 to over 2400 as shown in cited Chess Tournament Listings and represents relatively little to great skill) in a game and expresses an interest in playing with others (a result of making the post). One of ordinary skill in the art would have recognized the advantages of providing a normalized indicator of skill for a player seeking opponents so that players may find those of a skill level they desire.

8. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen to have allowed the player to enter a normalized skill

rating in their profile for any games they may be interested in order to find other players of similar skill to play against.

9. In regard to claims 15 and 24-25, Bowen discloses the method of claim 12, but lacks wherein the profile information is automatically rendered upon the first user inviting a second user to play a game. However, Bowen discloses the ability of a user to look up other user's profiles (pg 208, search by) and it would have been obvious to automate the manual task of searching to allow a user to view profile information of a selected user directly thus saving time while matchmaking.

10. In regard to claim 16, Bowen discloses the method of claim 12, but lacks wherein the profile information is automatically displayed upon the second user taking an action demonstrating an interest in the first user. However, Bowen discloses the ability of a user to look up other user's profiles (pg 208, search by) and it would have been obvious to automate the manual task of searching to allow a user to view profile information of a selected user directly thus saving time.

11. In regard to claim 20, Bowen discloses the method of claim 12 further comprising enabling the first user to identify personal characteristics; enabling the first user to save the personal characteristics; and enabling the first user to make the personal characteristics accessible to a first remote computer system, a central computer system, and at least one other remote computer system (pgs 94-95, 207-209, and 381: "create and read personal bios").

12. In regard to claim 21, Bowen discloses a user identifying personal characteristics including interests such as gardening (pg 208) which examiner contends is also a hobby.

13. In regard to claim 26, Bowen discloses that players may engage in chess (pg 373), but does not explicitly disclose checkers. However, as checkers is a common game played since at least 1900, it would have been obvious that players may have listed checkers as an interest and provided their skill at said game in their player profiles.

14. In regard to claims 27-30 and 34-39, Bowen discloses the system of claims 12-17 and 20-26 above where a user makes profile information available to others. Claims 27-30 and 34-39 are directed to a first user accessing the information of second user. As Bowen teaches the system of claim 12 above including a multi-user online environment where users may search each other's profiles (pg 208 search by), it also teaches a first user accessing another user's profile.

15. Claims 18, 31, 32, 43-48 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in view of Fontecilla, Rodrigo net.chess posting as applied to claim 12 and further in view of Brittin; Ruth, The Effect of Categorization on Preferences for Popular Music Styles.

16. In regard to claim 18, Bowen discloses the system set forth above with the profile that enables a player to list interests. Bowen does not explicitly disclose a first user identifying an interest level with respect to the first and second identified video games.

17. In related prior art, Brittin discloses a survey presented to participants to determine their interest level in various musical genres (pg. 72, Conventional Preference Ratings) using a Likert scale. A Likert scale being well known as a method for rating preference or agreement, one skilled in the art would recognize the advantages of allowing users to use a normalized Likert scale to rate their interest in a game in order to provide a common measure so that players may find players of an interest level they desire to play with or against.

18. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Brittin to have provided a Likert scale to allow users to rate their interest level in a game and view the interest levels of other users in order to find other players to play with or against.

19. Claims 31 and 32 are directed to a first user accessing the information of second user. As Bowen teaches the system of claim 18 above including a multi-user online environment where users may search each other's profiles (pg 208 search by), it also teaches a first user accessing another user's profile.

20. In regard to claims 43-45, 47-48, 50-52, and 54, Bowen discloses a computer implemented method of creating a user profile for interacting on a computer network, the method comprising enabling a first user to identify profile information with respect to each of one or more items (pgs 94-95, 207-209, and 381: "create and read personal bios"); and enabling the first user to make the profile information accessible to a first remote computer system, a central computer system, and at least one other remote computer system (pg 207-209, making a profile while online for other members to view),

wherein the first computer system, the central computer system, and at least one other remote computer system are elements of a computer network used for multi-user communications (CompuServe is an online multi-user environment). Bowen further discloses that users may enter any information they wish into their list of interests (pg. 208) and further describes that the system allows for multiplayer games with an active player base that engages in team and competitive play (pg 377-390).

21. Bowen does not explicitly disclose that the interface enables user determination of the skill of a first user for a first identified video game relative to a second video game or players identifying skill and interest levels in said games.

22. In related prior art, Fontecilla shows an online posting where a player indicates his normalized skill level (USCF rating which would range from 0 to over 2400 as shown in cited Chess Tournament Listings and represents relatively little to great skill) in a game and expresses an interest in playing with others (a result of making the post). One of ordinary skill in the art would have recognized the advantages of providing a normalized indicator of skill for a player seeking opponents so that players may find those of a skill level they desire.

23. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen to have allowed the player to enter a normalized skill rating in their profile for any games they may be interested in order to find other players of similar skill to play against.

24. Bowen does not explicitly disclose user indicating an interest level in the games is chosen from gradations of skill including little, intermediate or great skill or interest.

25. In related prior art, Brittin discloses a survey presented to participants to determine their interest level in various musical genres (pg. 72, Conventional Preference Ratings) using a Likert scale. A Likert scale being well known as a method for rating preference or agreement, one skilled in the art would recognize the advantages of allowing users to use a normalized Likert scale to rate their interest in a game in order to provide a common measure so that players may find players of an interest level they desire to play with or against.

26. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Brittin to have provided a Likert scale to allow users to rate their interest level in a game and view the interest levels of other users in order to find other players to play with or against.

27. In regard to claims 46 and 53, Bowen teaches the system set forth above whereby a user may include in their profile a list of interests and an associated interest and skill level, but does not explicitly disclose that the ratings are displayed with graphics. However, it would have been a matter of obvious design choice, well within the abilities of one of ordinary skill in the art at the time to have used graphical indicators for skill and interest levels as such a modification would just be changing the form of the information presented without altering the content. Furthermore, one of ordinary skill would have expected either a picture of a scale or words describing the position on a scale to accomplish the goal of providing information to the user and other users.

28. Claims 19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in view of Fontecilla, Rodrigo net.chess posting as applied to claims 12 and 27 above, and further in view of Stults; Robert A. et al. (US 4987492).

29. In regard to claim 19, Bowen discloses the method of claim 12 above and further discloses that it is desirable for users to be able to see images of other users (pg 410), but lacks comprising: enabling the first user to select a visage; enabling the first user to save the visage; and enabling the first user to make the visage accessible to a first remote computer system, a central computer system, and at least one other remote computer system.

30. In related prior art, Stults discloses a technique by which a user is able to control an audio/video communication system in a computer network system where visages are used to represent users of a particular computer (6:63-66) and further states any other visual cues could be used, including an image of a face, a name, a character, a number and the like (6:66-7:2). One skilled in the art would recognize the advantages of being able to identify a user visually to provide easily recognizable indicators of users and allow users to see each other over a network.

31. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Stults in order to include a visage of users to facilitate identification and improve the user's experience while using the networked communication system.

32. In regard to claim 33, Bowen discloses the method of claim 27 above and further discloses that it is desirable for users to be able to see images of other users (pg 410), but lacks comprising enabling the first user to access a visage of the second user.

33. In related prior art, Stults discloses a technique by which a user is able to control an audio/video communication system in a computer network system where visages are used to represent users of a particular computer (6:63-66) and further states any other visual cues could be used, including an image of a face, a name, a character, a number and the like (6:66-7:2). One skilled in the art would recognize the advantages of being able to identify a user visually to provide easily recognizable indicators of users and allow users to see each other over a network.

34. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Stults in order to include a visage of users to facilitate identification and improve the user's experience while using the networked communication system.

Response to Arguments

35. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID DUFFY whose telephone number is (571) 272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./
Examiner, Art Unit 3714

/Corbett Coburn/
Primary Examiner
AU 3714